(7)

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 573 of 2004

Appellant		United India Insurance Company Limited near Ram Mandir Nagar Ambikapur, Tahsil- Ambikapur, District-Sarguja (C.G.).
	Versus	
Respondents	1.	Ram Lakhan Shrivastava, son of S.B. Lal, aged 61. years.
	2.	Smt. Kalawati wife of Ramlakhan Shrivastava, aged 58 years.
		Both are resident of ward No.2 (Indira Ward) near Mission Chowk, Nagar Ambikapur, Tahsil-Ambikapur, District-Surguja (C.G.).
	3.	Ranvijay Singh Tomar, son of Late Chandrika Singh Tomar, aged about 45 years, resident of Ramanuj, Ward Tahsil- Ambikapur, District- Surguja (C.G.).
	4.	Samar Vijay Singh Tomar, son of Ranvijay Singh Tomar, aged about 21 years, resident of Ramanuj Ward, Tahsil Ambikapur, District-Surguja(C.G.) At present – residing as prisoner in Central Jail, Bilaspur, District- Bilaspur, through The superintendent Central Jail, Bilaspur (C.G.).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. H. B. Agarwal, Senior Advocate with Miss Shipra Biswas, Advocate, for the appellant.

ORAL ORDER

(7th December 2005)

The following order of the Court was passed by S. R. Nayak, C.J.

1. In this appeal preferred by the Insurance Company, it is contended that the Insurance Company is not liable to pay compensation and the liability to pay compensation should have been fastened on the owner of the motor vehicle, because, on the date of accident the

driver of the motor vehicle involved in the accident did not have valid and effective driving licence to drive the motor vehicle involved in the accident. Although such a plea was taken by the Insurance Company in its written statement filed before the M.A.C.T., admittedly, the Insurance Company did not lead any evidence to establish that on the date of accident the driver of the motor vehicle involved in the accident did not have valid and effective driving licence. Therefore, the Insurance Company cannot avoid the liability to pay compensation in view of the settled position in Law.

2. In the result, the appeal is dismissed, however, no order as to costs.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge